



Response under 37 C.F.R. 1.116
Expedited Procedure
Examining Group (2674)

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Witzgall

Art Unit: 2674

Serial No.: 09/469,070

Examiner: Abdulselam, A.

Filed: 12/21/1999

Docket No. TI-23879

For: ELECTRO-OPTICAL, TUNABLE, BROADBAND COLOR MODULATOR

RESPONSE UNDER 37 C.F.R. § 1.116

RECEIVED

JUL 29 2002

July 5, 2002

Technology Center 2600

Assistant Commissioner for Patents
Washington, DC 20231

MAILING CERTIFICATE UNDER 37 C.F.R. §1.8(A)	
I hereby certify that the above correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date shown below.	
	5 July 2002
Charles A. Brill	Date

Dear Sir:

In response to the Examiner's Action mailed 6 May 2002, applicant responds as follows:

REMARKS

This application was originally filed on December 21, 1999 with ten claims, three of which were written in independent form. Claim 10 was amended on 4 February 2002. No claims have been allowed.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,486,878 to Negishi et al. (Negishi). The applicant respectfully disagrees and submits the Examiner has failed to present a prima facie case of obviousness under 35 U.S.C. § 103.

"To support the conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte